

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN GASS,

Plaintiff,

v.

GEORGE C. MURPHY, et al.,

Defendants.

No. 3:11-CV-1584

(JUDGE CAPUTO)

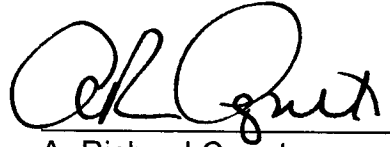
(MAGISTRATE JUDGE SMYSER)

ORDER

NOW this 11th day of June, 2012, upon review of the report and recommendation of Magistrate Judge J. Andrew Smyser (Doc. No. 47) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The report and recommendation (Doc. No. 47) is **ADOPTED**.
- (2) The Defendants' Motions to Dismiss the Amended Complaint (Doc. 31 and 32) are **GRANTED IN PART AND DENIED IN PART**, as follows:
 - (A) The claim for monetary damages against defendant Murphy in his official capacity is **DISMISSED**.
 - (B) The Claim against Defendant Murphy and Defendant Dubernas based on the canine sniff is **DISMISSED**.
 - (C) The claim against Defendant Murphy based on the initial traffic stop, the claim against both defendants based on the impoundment and search of the vehicle, and the claim against both defendants based on the arrest **ARE NOT DISMISSED**.

- (3) This case is **RECOMMENDED** to Magistrate Judge Smyser for further proceedings.

A handwritten signature in black ink, appearing to read "A. Richard Caputo". The signature is written in a cursive, flowing style with a horizontal line underneath it.

A. Richard Caputo
United States District Judge